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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10
11 United States of America,
12 Plaintiff,
13 v.
14 Johntae Bland,
15 Defendant.

Case No. 2:18-cr-00295-APG-GWF

**Stipulation to Continue Sentencing
Hearing**
(First Request)

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17 The parties jointly request that this Court vacate and continue the June 13, 2019,
18 sentencing hearing for at least 45 days for these reasons:

19 1. On March 20, 2019, Johntae Bland pleaded guilty to a single count of
20 distributing methamphetamine. ECF No. 27.

21 2. As described in the plea agreement, the charge stems from a controlled buy of
22 ecstasy pills; lab testing revealed that the pills were approximately 20.7–24.5 %
23 methamphetamine. ECF No. 27 at 4.

24 3. On April 23, 2019, the United States Supreme Court heard argument in *Rehaif*
25 v. *United States*. One of the issues on appeal was whether “knowingly” applies to both the
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1 possession and status elements of an 18 U.S.C. § 922(g) crime, or only to the possession
2 element.

3 4. Although the government does not concede that a decision favorable to the
4 defense in *Rehaif* would undermine Bland's guilty plea, it does not oppose continuing the
5 instant sentencing hearing until after *Rehaif* is decided. The government expressly reserves
6 the right to oppose any argument (whether it is presented as a stand-alone argument or in
7 support of a motion to withdraw the guilty plea) that the Supreme Court's decision affects this
8 case.

9 5. The Supreme Court is expected to issue its decision in *Rehaif* in late June. A
10 45-day continuance should allow the parties sufficient time to review the *Rehaif* decision and
11 determine what effect, if any, it may have on the facts of this case.

12 This is the first stipulation to continue the sentencing hearing.

13 DATED: June 6, 2019

14 Rene L. Valladares
15 Federal Public Defender

Nicholas A. Trutanich
United States Attorney

16 /s/ Erin Gettel
17 By _____
18 Erin Gettel
Assistant Federal Public Defender

/s/ Peter S. Levitt
By _____
Peter S. Levitt
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

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4 United States of America,

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6 v.

7 Johntae Bland,

8 Defendant.

Case No. 2:18-cr-00295-APG-GWF

**Order Granting First Sipulation to
Continue Sentencing Hearing**

9
10 **Order**

11 Good cause appearing, IT IS HEREBY ORDERED that the sentencing hearing
12 currently scheduled for June 13, 2019, at 9:30 a.m., is vacated and continued to
13 August 6, 2019 at the hour of 10:00 a.m. in Courtroom 6C.

14 DATED: June 7, 2019.

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16 Andrew P. Gordon

17 United States District Judge
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